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EXAMINER

DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,642	Applicant(s) ERIC YEY ET AL.	
	Examiner PIERRE-LOUIS DESIR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Although child element is described in the specification, there is no specific description of generating child element for a child element. Therefore, this disclosure constitutes new matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 13-14, 19, 25-26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Gustafsson, U.S. Patent No. 6424841.

Regarding claims 1, 13-14, and 25-26 Chen discloses a method, system of mobile device messaging and a computer-readable medium (refer to claim 34 of Chen for the disclosure of computer readable medium) comprising: a processor and a memory (inherent part of a system) and comprising collecting from an originating system information including content data to be sent to the mobile device (i.e., an SMS request for Internet-based content is received at an SMS Center (SMSC) from a wireless device which does not have a browser. The SMSC relays the SMS request to a proxy server that is coupled to a wireline network, such as the Internet. The proxy server transcodes the SMS request into a different character set and extracts a keyword from the transcoded request) (see col. 3, lines 13-22); generating one or more short messages encapsulating the content data, the short message formatted to be readable by a web service and the content data formatted to be readable by the mobile device (i.e., the proxy server looks up the extracted keyword in the keyword-to-URL mapping to identify the URL of an application residing on a server on the network. The proxy server constructs a hypermedia protocol operation containing the keyword and the URL, and submits the operation over the Internet to the application. Upon receiving a hypermedia protocol response containing the requested content from the application, the proxy server extracts the content from the response and converts the content from the content-type used by the application to a content-type used by the SMSC. The proxy server then transcodes the content from the character set used by the application to a character set used by the

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SMSC and sends the transcoded content in an SMS response to the SMSC, for subsequent delivery to wireless device as an SMS message) (see col. 3, lines 22-40); and sending the one or more short messages to the web service for delivery to the mobile device (see col. 3, lines 22-40).

Although Chen discloses a method, system, and medium as described, Chen does not specifically disclose a method, system, and medium comprising receiving a response readable by the originating system that indicates a status of delivery of the one or more short messages, wherein said response has one or more result elements, and further wherein each said result elements has one or more child elements representing details of said result elements.

However, Gustafsson discloses a method, system, and medium wherein information is contained in a short message to be delivered to wireless client device 500. Upon receiving the information, wireless client device 500 determines if the received information is valid. For example, a request can be deemed valid when it does not have errors, has not expired, and the message has not been received before. When the information is determined to be valid, a delivery acknowledgement 508 is sent from the wireless client device 500 to the SMS server 510. Delivery acknowledgement 508 is typically done with an acknowledgement (ACK) message such as a Delivery Success Report (SSR). On the other hand, when the information is determined not to be valid, then an error notification is sent from wireless client device 500 to SMS server 510. As an example, the error notification is an error message such as a Delivery Submit Error Report (DER) (see col. 13, line 65-col. 14, line 17).

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Gustafsson also discloses that the delivery Success Report (DSR) includes a message type indicator (TP-MTI) 700, a User-Data-Header Indication (TP-UDHI) 704, an Optional Parameter Indicator (TP-PI) 708, a Protocol Identifier (TP-PID) 712, a Data Coding Scheme (TP-DCS) 716, a User Data Length Indicator (TP-UDL) 720, and User Data (TP-UD) 724. The User Data 724 may include a User Data Header (UDH) comprised of a reference number, an index indicating the total number of chunks of user data, and a chunk index. User Data (TP-UD) 724 is ordinarily unused in the DSR acknowledgements (see fig. 7A, col. 14, lines 44-55).

Thus, Gustafsson discloses that the delivery status report contains result elements (i.e., successful and error). And, each result element contain one or more child elements (i.e., TP-UDHI, TP-UDL, TP-UD), and generating a child element for a one or more of said child elements (i.e., UDH, chunk index).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Chen with the teachings described by Gustafsson to arrive at the claimed invention in order to provide a more efficient utilization of SMS to accommodate an increase in subscribers and their usage.

Regarding claims 7, 19, and 32 Chen discloses a method and system (see claims 1 and 14 rejection) wherein generating a short message comprises generating an extensible Mark-up Language (XML) file including the content data contained in a Short Message Service (SMS) message (see col. 3, lines 55-61).

6. Claim 10-11 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Miralles (previously disclosed) and Gustafsson.

Regarding claims 10 and 22, Chen discloses a method and system comprising receiving a short message from a web service client, the short messaging formatted to be readable by a web service and containing content data formatted to be readable by a mobile device i.e., the proxy server looks up the extracted keyword in the keyword-to-URL mapping to identify the URL of an application residing on a server on the network. The proxy server constructs a hypermedia protocol operation containing the keyword and the URL, and submits the operation over the Internet to the application. Upon receiving a hypermedia protocol response containing the requested content from the application, the proxy server extracts the content from the response and converts the content from the content-type used by the application to a content-type used by the SMSC. The proxy server then transcodes the content from the character set used by the application to a character set used by the SMSC and sends the transcoded content in an SMS response to the SMSC, for subsequent delivery to wireless device as an SMS message) (see col. 3, lines 22-40).

Although Chen discloses a method and system as described, the combination does not specifically disclose a method and system comprising determining whether a sender of the short message is authentic and authorized to send the short message; and if the sender of the short message is authentic and authorized to send the short message, sending the content data to the mobile device.

However, Miralles discloses a method and system comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message (see paragraphs 65-74); and if the sender of the short message is authentic and authorized to send the short message,

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sending the content data from the short message to the mobile device (see paragraphs 65-74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Although the combination discloses a method, system, and medium as described, the combination does not specifically disclose a method, system, and medium comprising receiving a response readable by the originating system that indicates a status of delivery of the one or more short messages, wherein said response has one or more result elements, and further wherein each said result elements has one or more child elements representing details of said result elements.

However, Gustafsson discloses a method, system, and medium wherein information is contained in a short message to be delivered to wireless client device 500. Upon receiving the information, wireless client device 500 determines if the received information is valid. For example, a request can be deemed valid when it does not have errors, has not expired, and the message has not been received before. When the information is determined to be valid, a delivery acknowledgement 508 is sent from the wireless client device 500 to the SMS server 510. Delivery acknowledgement 508 is typically done with an acknowledgement (ACK) message such as a Delivery Success Report (SSR). On the other hand, when the information is determined not to be valid, then an error notification is sent from wireless client device 500 to SMS server 510. As an example, the error notification is an error message such as a Delivery Submit

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Error Report (DER) (see col. 13, line 65-col. 14, line 17).

Gustafsson also discloses that the delivery Success Report (DSR) includes a message type indicator (TP-MTI) 700, a User-Data-Header Indication (TP-UDHI) 704, an Optional Parameter Indicator (TP-PI) 708, a Protocol Identifier (TP-PID) 712, a Data Coding Scheme (TP-DCS) 716, a User Data Length Indicator (TP-UDL) 720, and User Data (TP-UD) 724. The User Data 724 may include a User Data Header (UDH) comprised of a reference number, an index indicating the total number of chunks of user data, and a chunk index. User Data (TP-UD) 724 is ordinarily unused in the DSR acknowledgements (see fig. 7A, col. 14, lines 44-55).

Thus, Gustafsson discloses that the delivery status report contains result elements (i.e., successful and error). And, each result element contain one or more child elements (i.e., TP-UDHI, TP-UDL, TP-UD), and generating a child element for a one or more of said child elements (i.e., UDH, chunk index).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Chen and Miralles with the teachings described by Gustafsson to arrive at the claimed invention in order to provide a more efficient utilization of SMS to accommodate an increase in subscribers and their usage.

Regarding claims 11 and 23, Chen discloses a method and system wherein generating a short message comprises generating an extensible Mark-up Language (XML) file including the content data contained in a Short Message Service (SMS) message (see col. 3, lines 55-61).

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7. Claims 2-4, 6, 15-16, 18, 27-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Gustafsson, further in view of Miralles et al. (Miralles), Pub. No. US 2004/0259531.

Regarding claims 2 and 27, Chen discloses a method and a computer-readable medium (see claim 1 rejection) further comprising receiving the one or more short messages at a web service (see abstract).

Although Chen discloses a method and a computer readable medium as described, the combination does not specifically disclose a method and a computer readable medium comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message; and if the sender of the short message is authentic and authorized to send the short message, sending the content data from the short message to the mobile device.

However, Miralles discloses a method and a computer readable medium comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message (see paragraphs 65-74); and if the sender of the short message is authentic and authorized to send the short message, sending the content data from the short message to the mobile device (see paragraphs 65-74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

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Regarding claims 3, 15, and 28, Chen discloses a method and system as described above (see claims 1 and 14 rejection).

Although Chen discloses a method and system as described, the combination does not specifically disclose a method and system wherein collecting information to be sent to the mobile device further comprises collecting sender information, the sender information comprising a sender identification and a sender password.

However, Miralles discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting sender information, the sender information comprising a sender identification and a sender password (see paragraph 65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to allow secure connection with the system.

Regarding claims 4, 16, and 29, Chen discloses a method and system as described above (see claims 1 and 14 rejection).

Although Chen discloses a method and system as described above, the combination does not specifically disclose a method and system wherein collecting information to be sent to the mobile device further comprises collecting destination information, the destination information comprising a service provider and a cellular telephone number of a destination mobile device.

However, Miralles discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting destination information, the

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destination information comprising a service provider and a cellular telephone number of a destination mobile device (see paragraph 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Regarding claims 6, 18, and 31, Chen discloses a method and system as described above (see claims 1 and 14 rejection).

Although Chen discloses a method and system as described above, the combination does not specifically disclose a method and system wherein generating a short message further comprises: determining whether the content data is longer than a pre-determined size for the short message; responsive to determining the content data is longer than the pre-determined size for the short message, determining whether to split the content data into multiple portions; responsive to determining to split the content data into multiple portions, splitting the content data into multiple portions, each portion not longer than the predetermined size for the short message; and encapsulating each portion in a separate short message.

However, Miralles discloses a method and system wherein short message composition block 33, if necessary, performs segmentation of the message. In this event, in order to know the maximum size of the message admitted by the mobile telephony network, it is calculated from the DCS parameter and the coding of the characters. The short message composition block recovers the short message creation data: DCS, NPI, etc. and builds the new short messages. In the case in which the user data header indicator

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is not specified in the received message, the value of this is inserted, depending on whether the message has had to be segmented for exceeding the maximum size and the decoded text is introduced in the new short messages. Next the composed short messages are sent to short message transmission block 36 which establishes connection with the SMSC 5 for transmission of the messages to GSM network 10 (see paragraphs 70-72)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

8. Claims 5, 8-9, 17, 20, 30, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Gustafsson in view of Wood et al. (Wood), International Publication No. WO 03/001819 A2 (cited by applicant).

Regarding claims 5, 8-9, 17, 20-21, 30, 33-34, Chen discloses a method and system as described above (see claims 1, 14 rejection).

Although Chen discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting delivery information, the combination does not specifically disclose a method and system wherein the delivery information comprising a time and date for the web service to send the content data to the mobile device and wherein the XML file (see col. 3, lines 55-61 of Chen) including data contained in a MMS message, and sending the short message using SOAP.

However, Wood discloses a method and system wherein the delivery information comprising a time and date for the web service to send the content data to the mobile

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device (i.e., schedule) (see page 17, line 3), and including data contained in a MMS message (see page 17, lines 8-16), and sending the short message using SOAP (see page 34, lines 9-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper sending of the message.

9. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, Gustafsson, and Miralles, further in view of Wood.

The combination discloses a method and system as described.

Although the combination discloses a method and system as described above, the combination does not specifically disclose a method and system wherein the XML file (see col. 3, lines 55-61 of Chen) including data contained in a MMS message.

However, Wood discloses a method including data contained in a MMS message (see page 17, lines 8-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper sending of the message.

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Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on Monday-Friday 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pierre-Louis Desir/
Examiner, Art Unit 2617

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